

Issue: Consolidation of grievances for a single hearing; Ruling Date: November 7, 2013; Ruling No. 2014-3660; Agency: Department of Behavioral Health and Developmental Services; Outcome: Consolidation granted.



COMMONWEALTH of VIRGINIA
Department of Human Resource Management
Office of Employment Dispute Resolution

CONSOLIDATION RULING

In the matter of the Department of Behavioral Health and Developmental Services
Ruling Number 2014-3660
November 7, 2013

This ruling addresses the consolidation of the grievant's two grievances filed with the Department of Behavioral Health and Developmental Services (the agency). For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue are 1) a June 12, 2013 grievance regarding a Group II Written Notice issued to the grievant, and 2) a June 27, 2013 dismissal grievance challenging a second Group II Written Notice accompanying the grievant's termination from employment. Both parties agree that consolidation is appropriate in this instance.

DISCUSSION

Approval by EDR in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. Moreover, EDR may consolidate grievances for hearing without a request from either party.¹ EDR strongly favors consolidation and will consolidate grievances when they involve the same parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.²

EDR finds that consolidation of the grievant's June 12, 2013 and June 27, 2013 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances both relate to disciplinary actions issued to the grievant, the accumulation of which ultimately ended in her termination. Further, we find that consolidation is not impracticable in this instance. Therefore, the grievant's June 12, 2013 and June 27, 2013 grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

EDR's rulings on compliance are final and nonappealable.³



Christopher M. Grab
Director
Office of Employment Dispute Resolution

³ See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).